



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

JOHN J. GARRETT,

Plaintiff,

V.

B. LEE THOMAS, JIMMY DEAN JUSTICE,  
DENA R. JUSTICE, FRANCIS O'BRIEN,  
UNUMPROVIDENT INSURANCE CO., JIM  
PERRY, TINA FOWLER, MIRIAM RUFF,  
FIRST CITIZENS and UNIVERSAL  
UNDERWRITERS,

Defendants.

[illegible]

§ CIVIL ACTION NO. 7:05-1542-HFF-WMC

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE

This is a *pro se* action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Court grant the motion for summary judgment of Defendants UnumProvident and B. Lee Thomas, grant Plaintiff's motion to dismiss Defendants Jim Perry, Tina Fowler and Miriam Ruff, and remand the remaining state claims to the state court. The Report was made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court.

*Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 18, 2006, and Plaintiff filed his objections with the Clerk's office on February 6, 2006. The Court has reviewed Plaintiff's eight-page objection memorandum, but finds the objections to be without merit.<sup>1</sup> Therefore, for the reasons set forth in the Magistrate Judge's comprehensive and well-reasoned Report, the Court will overrule the objections, grant the motion for summary judgment of Defendants UnumProvident and B. Lee Thomas, grant Plaintiff's motion to dismiss Defendants Jim Perry, Tina Fowler and Miriam Ruff, and remand the remaining state claims to the state court.

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that the motion for summary judgment of Defendants UnumProvident and B. Lee Thomas must be **GRANTED** and Plaintiff's motion to dismiss Defendants Jim Perry, Tina Fowler and Miriam Ruff must be **GRANTED**. The remaining state claims are **REMANDED** to the state court for adjudication and any remaining motions are rendered **MOOT**.

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<sup>1</sup>In reaching its decision, the Court has also reviewed Docs. 100 and 103.

**IT IS SO ORDERED.**

Signed this 7th day of February, 2006, in Spartanburg, South Carolina.

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s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.